



Sen. Julie A. Morrison

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LRB098 10147 MLW 44001 a

1 AMENDMENT TO SENATE BILL 1479

2 AMENDMENT NO. _____. Amend Senate Bill 1479 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-208.1 as follows:

6 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

7 (Text of Section from P.A. 96-1526)

8 Sec. 6-208.1. Period of statutory summary alcohol, other
9 drug, or intoxicating compound related suspension.

10 (a) Unless the statutory summary suspension has been
11 rescinded, any person whose privilege to drive a motor vehicle
12 on the public highways has been summarily suspended, pursuant
13 to Section 11-501.1 of this Code or Section 5-16c of the Boat
14 Registration and Safety Act, shall not be eligible for
15 restoration of the privilege until the expiration of:

16 1. Twelve months from the effective date of the

1 statutory summary suspension for a refusal or failure to
2 complete a test or tests to determine the alcohol, drug, or
3 intoxicating compound concentration, pursuant to Section
4 11-501.1 of this Code or Section 5-16c of the Boat
5 Registration and Safety Act; or

6 2. Six months from the effective date of the statutory
7 summary suspension imposed following the person's
8 submission to a chemical test which disclosed an alcohol
9 concentration of 0.08 or more, or any amount of a drug,
10 substance, or intoxicating compound in such person's
11 breath, blood, or urine resulting from the unlawful use or
12 consumption of cannabis listed in the Cannabis Control Act,
13 a controlled substance listed in the Illinois Controlled
14 Substances Act, an intoxicating compound listed in the Use
15 of Intoxicating Compounds Act, or methamphetamine as
16 listed in the Methamphetamine Control and Community
17 Protection Act, pursuant to Section 11-501.1 of this Code
18 or Section 5-16c of the Boat Registration and Safety Act;

19 or

20 3. Three years from the effective date of the statutory
21 summary suspension for any person other than a first
22 offender who refuses or fails to complete a test or tests
23 to determine the alcohol, drug, or intoxicating compound
24 concentration pursuant to Section 11-501.1 of this Code or
25 Section 5-16c of the Boat Registration and Safety Act; or

26 4. One year from the effective date of the summary

1 suspension imposed for any person other than a first
2 offender following submission to a chemical test which
3 disclosed an alcohol concentration of 0.08 or more pursuant
4 to Section 11-501.1 of this Code or Section 5-16c of the
5 Boat Registration and Safety Act or any amount of a drug,
6 substance or compound in such person's blood or urine
7 resulting from the unlawful use or consumption of cannabis
8 listed in the Cannabis Control Act, a controlled substance
9 listed in the Illinois Controlled Substances Act, an
10 intoxicating compound listed in the Use of Intoxicating
11 Compounds Act, or methamphetamine as listed in the
12 Methamphetamine Control and Community Protection Act.

13 (b) Following a statutory summary suspension of the
14 privilege to drive a motor vehicle under Section 11-501.1 of
15 this Code or Section 5-16c of the Boat Registration and Safety
16 Act, driving privileges shall be restored unless the person is
17 otherwise suspended, revoked, or cancelled by this Code. If the
18 court has reason to believe that the person's driving privilege
19 should not be restored, the court shall notify the Secretary of
20 State prior to the expiration of the statutory summary
21 suspension so appropriate action may be taken pursuant to this
22 Code.

23 (c) Driving privileges may not be restored until all
24 applicable reinstatement fees, as provided by this Code, have
25 been paid to the Secretary of State and the appropriate entry
26 made to the driver's record.

1 (d) Where a driving privilege has been summarily suspended
2 under Section 11-501.1 of this Code or Section 5-16c of the
3 Boat Registration and Safety Act and the person is subsequently
4 convicted of violating Section 11-501 of this Code or Section
5 5-16 of the Boat Registration and Safety Act, or a similar
6 provision of a local ordinance, for the same incident, any
7 period served on statutory summary suspension shall be credited
8 toward the minimum period of revocation of driving privileges
9 imposed pursuant to Section 6-205.

10 (e) (Blank).

11 (f) (Blank).

12 (g) Following a statutory summary suspension of driving
13 privileges pursuant to Section 11-501.1 of this Code or Section
14 5-16c of the Boat Registration and Safety Act where the person
15 was not a first offender, as defined in Section 11-500, the
16 Secretary of State may not issue a restricted driving permit.

17 (h) (Blank).

18 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,
19 eff. 8-21-08; 96-1526, eff. 2-14-11.)

20 (Text of Section from P.A. 96-1344 and 97-229)

21 Sec. 6-208.1. Period of statutory summary alcohol, other
22 drug, or intoxicating compound related suspension or
23 revocation.

24 (a) Unless the statutory summary suspension has been
25 rescinded, any person whose privilege to drive a motor vehicle

1 on the public highways has been summarily suspended, pursuant
2 to Section 11-501.1 of this Code or Section 5-16c of the Boat
3 Registration and Safety Act, shall not be eligible for
4 restoration of the privilege until the expiration of:

5 1. Twelve months from the effective date of the
6 statutory summary suspension for a refusal or failure to
7 complete a test or tests to determine the alcohol, drug, or
8 intoxicating compound concentration, pursuant to Section
9 11-501.1 of this Code or Section 5-16c of the Boat
10 Registration and Safety Act, if the person was not involved
11 in a motor vehicle crash that caused personal injury or
12 death to another; or

13 2. Six months from the effective date of the statutory
14 summary suspension imposed following the person's
15 submission to a chemical test which disclosed an alcohol
16 concentration of 0.08 or more, or any amount of a drug,
17 substance, or intoxicating compound in such person's
18 breath, blood, or urine resulting from the unlawful use or
19 consumption of cannabis listed in the Cannabis Control Act,
20 a controlled substance listed in the Illinois Controlled
21 Substances Act, an intoxicating compound listed in the Use
22 of Intoxicating Compounds Act, or methamphetamine as
23 listed in the Methamphetamine Control and Community
24 Protection Act, pursuant to Section 11-501.1 of this Code
25 or Section 5-16c of the Boat Registration and Safety Act;

26 or

1 3. Three years from the effective date of the statutory
2 summary suspension for any person other than a first
3 offender who refuses or fails to complete a test or tests
4 to determine the alcohol, drug, or intoxicating compound
5 concentration pursuant to Section 11-501.1 of this Code or
6 Section 5-16c of the Boat Registration and Safety Act; or

7 4. One year from the effective date of the summary
8 suspension imposed for any person other than a first
9 offender following submission to a chemical test which
10 disclosed an alcohol concentration of 0.08 or more pursuant
11 to Section 11-501.1 of this Code or Section 5-16c of the
12 Boat Registration and Safety Act or any amount of a drug,
13 substance or compound in such person's blood or urine
14 resulting from the unlawful use or consumption of cannabis
15 listed in the Cannabis Control Act, a controlled substance
16 listed in the Illinois Controlled Substances Act, an
17 intoxicating compound listed in the Use of Intoxicating
18 Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act.

20 (a-1) Unless the statutory summary revocation has been
21 rescinded, any person whose privilege to drive has been
22 summarily revoked pursuant to Section 11-501.1 of this Code or
23 Section 5-16c of the Boat Registration and Safety Act may not
24 make application for a license or permit until the expiration
25 of one year from the effective date of the summary revocation.

26 (b) Following a statutory summary suspension of the

1 privilege to drive a motor vehicle under Section 11-501.1 of
2 this Code or Section 5-16c of the Boat Registration and Safety
3 Act, driving privileges shall be restored unless the person is
4 otherwise suspended, revoked, or cancelled by this Code. If the
5 court has reason to believe that the person's driving privilege
6 should not be restored, the court shall notify the Secretary of
7 State prior to the expiration of the statutory summary
8 suspension so appropriate action may be taken pursuant to this
9 Code.

10 (c) Driving privileges may not be restored until all
11 applicable reinstatement fees, as provided by this Code, have
12 been paid to the Secretary of State and the appropriate entry
13 made to the driver's record.

14 (d) Where a driving privilege has been summarily suspended
15 or revoked under Section 11-501.1 of this Code or Section 5-16c
16 of the Boat Registration and Safety Act and the person is
17 subsequently convicted of violating Section 11-501 of this Code
18 or Section 5-16 of the Boat Registration and Safety Act, or a
19 similar provision of a local ordinance, for the same incident,
20 any period served on statutory summary suspension or revocation
21 shall be credited toward the minimum period of revocation of
22 driving privileges imposed pursuant to Section 6-205.

23 (e) Following a statutory summary suspension of driving
24 privileges pursuant to Section 11-501.1 of this Code or Section
25 5-16c of the Boat Registration and Safety Act, for a first
26 offender, the circuit court shall, unless the offender has

1 opted in writing not to have a monitoring device driving permit
2 issued, order the Secretary of State to issue a monitoring
3 device driving permit as provided in Section 6-206.1. A
4 monitoring device driving permit shall not be effective prior
5 to the 31st day of the statutory summary suspension. A first
6 offender who refused chemical testing and whose driving
7 privileges were summarily revoked pursuant to Section 11-501.1
8 of this Code or Section 5-16c of the Boat Registration and
9 Safety Act shall not be eligible for a monitoring device
10 driving permit, but may make application for reinstatement or
11 for a restricted driving permit after a period of one year has
12 elapsed from the effective date of the revocation.

13 (f) (Blank).

14 (g) Following a statutory summary suspension of driving
15 privileges pursuant to Section 11-501.1 of this Code or Section
16 5-16c of the Boat Registration and Safety Act where the person
17 was not a first offender, as defined in Section 11-500, the
18 Secretary of State may not issue a restricted driving permit.

19 (h) (Blank).

20 (Source: P.A. 96-1344, eff. 7-1-11; 97-229, eff. 7-28-11.)

21 Section 10. The Boat Registration and Safety Act is amended
22 by adding Section 5-16c as follows:

23 (625 ILCS 45/5-16c new)

24 Sec. 5-16c. Operator involvement in personal injury or

1 fatal boating accident; chemical tests.

2 (a) Any person who operates or is in actual physical
3 control of a watercraft within this State and who has been
4 involved in a personal injury or fatal boating accident, shall
5 be deemed to have given consent to a breath test using a
6 portable device as approved by the Department of State Police
7 or to a chemical test or tests of blood, breath, or urine for
8 the purpose of determining the content of alcohol, other drug
9 or drugs, or intoxicating compound or compounds of the person's
10 blood if arrested as evidenced by the issuance of a uniform
11 citation for a violation of the Boat Registration and Safety
12 Act or a similar provision of a local ordinance, with the
13 exception of equipment violations contained in Article IV of
14 this Act, or similar provisions of local ordinances. The test
15 or tests shall be administered at the direction of the
16 arresting officer. The law enforcement agency employing the
17 officer shall designate which of the aforesaid tests shall be
18 administered. A urine test may be administered even after a
19 blood or breath test or both has been administered. Compliance
20 with this Section does not relieve the person from the
21 requirements of any other Section of this Act.

22 (b) Any person who is dead, unconscious, or who is
23 otherwise in a condition rendering that person incapable of
24 refusal shall be deemed not to have withdrawn the consent
25 provided by subsection (a) of this Section. In addition, if an
26 operator of a watercraft is receiving medical treatment as a

1 result of a boating accident, any physician licensed to
2 practice medicine, licensed physician assistant, licensed
3 advanced practice nurse, registered nurse, or a phlebotomist
4 acting under the direction of a licensed physician shall
5 withdraw blood for testing purposes to ascertain the presence
6 of alcohol, other drug or drugs, or intoxicating compound or
7 compounds, upon the specific request of a law enforcement
8 officer. However, this testing shall not be performed until, in
9 the opinion of the medical personnel on scene, the withdrawal
10 can be made without interfering with or endangering the
11 well-being of the patient.

12 (c) A person requested to submit to a test under subsection
13 (a) of this Section shall be warned by the law enforcement
14 officer requesting the test that a refusal to submit to the
15 test, or submission to the test resulting in an alcohol
16 concentration of 0.08 or more, or any amount of a drug,
17 substance, or intoxicating compound resulting from the
18 unlawful use or consumption of cannabis, as covered by the
19 Cannabis Control Act, a controlled substance listed in the
20 Illinois Controlled Substances Act, an intoxicating compound
21 listed in the Use of Intoxicating Compounds Act, or
22 methamphetamine as listed in the Methamphetamine Control and
23 Community Protection Act as detected in the person's blood or
24 urine, may result in the suspension of the person's privilege
25 to operate a motor vehicle and may result in the
26 disqualification of the person's privilege to operate a

1 commercial motor vehicle, as provided in Section 6-514 of the
2 Illinois Vehicle Code, if the person is a CDL holder. The
3 length of the suspension shall be the same as outlined in
4 Section 6-208.1 of the Illinois Vehicle Code regarding
5 statutory summary suspensions.

6 (d) If the person refuses testing or submits to a test
7 which discloses an alcohol concentration of 0.08 or more, or
8 any amount of a drug, substance, or intoxicating compound in
9 the person's blood or urine resulting from the unlawful use or
10 consumption of cannabis listed in the Cannabis Control Act, a
11 controlled substance listed in the Illinois Controlled
12 Substances Act, an intoxicating compound listed in the Use of
13 Intoxicating Compounds Act, or methamphetamine as listed in the
14 Methamphetamine Control and Community Protection Act, the law
15 enforcement officer shall immediately submit a sworn report to
16 the Secretary of State on a form prescribed by the Secretary of
17 State, certifying that the test or tests were requested under
18 subsection (a) of this Section and the person refused to submit
19 to a test or tests or submitted to testing which disclosed an
20 alcohol concentration of 0.08 or more, or any amount of a drug,
21 substance, or intoxicating compound in the person's blood or
22 urine, resulting from the unlawful use or consumption of
23 cannabis listed in the Cannabis Control Act, a controlled
24 substance listed in the Illinois Controlled Substances Act, an
25 intoxicating compound listed in the Use of Intoxicating
26 Compounds Act, or methamphetamine as listed in the

1 Methamphetamine Control and Community Protection Act.

2 Upon receipt of the sworn report of a law enforcement
3 officer, the Secretary of State shall enter the suspension and
4 disqualification to the person's driving record and the
5 suspension and disqualification shall be effective on the 46th
6 day following the date notice of the suspension was given to
7 the person.

8 The law enforcement officer submitting the sworn report
9 shall serve immediate notice of this suspension on the person
10 and this suspension and disqualification shall be effective on
11 the 46th day following the date notice was given.

12 In cases where the blood alcohol concentration of 0.08 or
13 more, or any amount of a drug, substance, or intoxicating
14 compound resulting from the unlawful use or consumption of
15 cannabis as listed in the Cannabis Control Act, a controlled
16 substance listed in the Illinois Controlled Substances Act, an
17 intoxicating compound listed in the Use of Intoxicating
18 Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act, is
20 established by a subsequent analysis of blood or urine
21 collected at the time of arrest, the arresting officer shall
22 give notice as provided in this Section or by deposit in the
23 United States mail of this notice in an envelope with postage
24 prepaid and addressed to the person at his or her address as
25 shown on the uniform citation and the suspension and
26 disqualification shall be effective on the 46th day following

1 the date notice was given.

2 Upon receipt of the sworn report of a law enforcement
3 officer, the Secretary of State shall also give notice of the
4 suspension and disqualification to the person by mailing a
5 notice of the effective date of the suspension and
6 disqualification to the person. However, should the sworn
7 report be defective by not containing sufficient information or
8 be completed in error, the notice of the suspension and
9 disqualification shall not be mailed to the person or entered
10 to the driving record, but rather the sworn report shall be
11 returned to the issuing law enforcement agency.

12 (e) A person may contest this suspension of his or her
13 driving privileges and disqualification of his or her CDL
14 privileges by requesting an administrative hearing with the
15 Secretary of State in accordance with Section 2-118 of the
16 Illinois Vehicle Code. At the conclusion of a hearing held
17 under Section 2-118 of the Illinois Vehicle Code, the Secretary
18 of State may rescind, continue, or modify the orders of
19 suspension and disqualification. If the Secretary of State does
20 not rescind the orders of suspension and disqualification, a
21 restricted driving permit may be granted by the Secretary of
22 State upon application being made and good cause shown. A
23 restricted driving permit may be granted to relieve undue
24 hardship to allow driving for employment, educational, and
25 medical purposes as outlined in Section 6-206 of the Illinois
26 Vehicle Code. The provisions of Section 6-206 of the Illinois

1 Vehicle Code shall apply. In accordance with 49 C.F.R. 384, the
2 Secretary of State may not issue a restricted driving permit
3 for the operation of a commercial motor vehicle to a person
4 holding a CDL whose driving privileges have been suspended,
5 revoked, cancelled, or disqualified.

6 (f) For the purposes of this Section, a personal injury
7 shall include any type A injury as indicated on the accident
8 report completed by a law enforcement officer that requires
9 immediate professional attention in a doctor's office or a
10 medical facility. A type A injury shall include severely
11 bleeding wounds, distorted extremities, and injuries that
12 require the injured party to be carried from the scene."